

REMARKS

In the ***non-final*** Office Action mailed March 22, 2010 the Office noted that claims 1-9, 11-21, 23-30, 32, 33, 35-40 were pending and rejected claims 1-9, 11-21, 23-30, 32, 33, 35-40. In this amendment claims 1, 17 and 26 have been amended, no claims have been canceled, and, thus, in view of the foregoing claims 1-9, 11-21, 23-30, 32, 33, 35-40 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections are traversed below.

REJECTIONS under 35 U.S.C. § 112

Claims 1-9, 11-21, 23-30, 32, 33, 35-40 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the enablement requirement. In particular, the Office asserts that the Specification does not support "at least one second instruction for controlling the calculation ***mode*** of the second signature," (emphasis added) as in claim 1.

The Applicant has amended the independent claims to recite "***depending upon*** the calculation mode." Support may be found, for example, in ¶¶ 0228-0230 and others. The Applicants submit that no new matter is believed to have been added by the amendment of the claims.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 102

Claims 1-4, 8, 9, 11-21, 23-28, 32, 33 and 35-40 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Naccache, U.S. Patent No. 7,168,065. The Applicants respectfully disagree and traverse the rejection with an argument and amendment.

Naccache discusses a system wherein the execution of a set of instructions is made secure by computing a signature during the execution of these instructions and by comparing the obtained signature with a predetermined signature. To that end, the set of instructions comprises a first instruction for initializing the calculation of the signature and a last instruction for comparing the obtained signature with the predetermined signature. The way according to which the signature is calculated is predetermined. In other words, the microcontroller that executes the set of instructions comprises a dedicated function for computing a signature according to an initialization value and the executed instructions.

On page 6 of the Office Action, it is asserted that Naccache, col. 9, lines 25-30, 34-40 and 51-55 disclose "wherein said set of instructions comprises at least **one first instruction** for initializing the calculation of the second signature, at least **one second instruction** depending upon for controlling the calculation mode of the second signature, **and a third instruction**, different than the at least one second instruction,

for comparing the second signature obtained according to the at least one second instruction with the first signature" (emphasis added) as in claim 1.

However, Naccache fails to disclose three monitoring instructions in the program that execution is made secure.

Naccache explicitly states that "the use of the monitoring unit requires the addition of **two new instructions** to the n instructions [. . .] of the program" (col. 9, lines 18-20). One of the instructions is used to initialize the calculation of a signature (col. 9, lines 27-28) while the other one is used to finalize the calculation of the signature and to compare the obtained value with a reference value (col. 9, lines 61-64).

According to the Naccache, the signature is based upon a hash function (col. 10, lines 64-67). However, it is also mentioned that, as a variant, other functions can be used, in particular a CRC function (col. 5, lines 53-58).

Therefore, Naccache discloses a monitoring program for calculating a signature as a function of the execution of a program to be monitored where the signature is calculated according to one predetermined function. This should be considered as different as calculating a signature according to one of a plurality of functions (which is not disclosed or suggested).

As a consequence, not only does Naccache not disclose the use of an instruction in the program to be monitored for

determining the function to be used for calculating a signature but such a step would have been meaningless in this context since the function used to calculate the signature is predetermined.

For at least the reasons discussed above, claims 1, 17 and 26, and the claims dependent therefrom are not anticipated by Naccache.

Withdrawal of the rejection is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 5-7, 29 and 30 stand rejected under 35 U.S.C. § 103(a) as being obvious over Naccache. The Applicants respectfully disagree and traverse the rejection with an argument.

The arguments made above to the rejection of the claims for anticipation apply likewise to the rejection for obviousness here.

For at least the reasons discussed above, Naccache fails to render obvious claims 5-7, 29 and 30.

Withdrawal of the rejection is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 102 and 103. It is also submitted that claims 1-9, 11-21, 23-30, 32, 33, 35-40 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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